

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
(406) 586-4364
1-800-624-3270
watercourt@mt.gov

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
GALLATIN RIVER BASIN (41H)
PRELIMINARY DECREE

CLAIMANTS: Peter Zeliff; Terry M. Fluke Revocable Family
Trust

CASE 41H-06003-A-2022

41H 25622-00

41H 25623-00

41H 25624-00

41H 25625-00

41H 30155788

CORRECTED ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, § 85-2-233(5), the above entitled case was assigned to Water Master Julia Nordlund. The Water Master filed a report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the report were served upon the parties on January 13, 2023. Claimant Peter Zeliff filed an Objection to the Master's Report on January 27, 2023. The Order Amending and Adopting Master's Report dated February 7, 2023, made the requested corrections. On February 8, 2023, Peter Zeliff filed an additional Objection to the OAA.

The Objection pointed out a typographical error on the abstract of claim 41H 30155788. The priority date should be corrected from June 1, 1982 to June 1, **1882**.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the January 13, 2023 Master's Report with the corrections in the February 7, 2023 Order Amending and Adopting, and

ORDERS that **Post Decree Abstract of Water Right Claim 41H 30155788** be served with this Order to confirm that the recommendations set forth in the Master's Report, as amended by this Order, have been adopted.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Marjorie Black
578 Concord Drive
Bozeman, MT 59715

Peter Zeliff
4655 E Saile Dr
Batavia, NY 14020

Potential owners:
John E. & Merianne D. Ross
2190 Gateway South Rd
Gallatin Gateway, MT 59730-9793

Robert John Mikkelson
2188 Gateway South Rd
Gallatin Gateway, MT 59730-9793

Potential Owners:
Carrie Dickerson-Mikkelson
2230 Gateway South Rd
Gallatin Gateway, MT 59730-9796

Miranda Ann & Dennis E. Johnson Jr
2186 Gateway South Rd
Gallatin Gateway, MT 59730-9793

Melissa Ann Mikkelson
3737 Sly Rd
Helena, MT 59602-6045

Benedict W. Fluke
Edward Scott Fluke
2900 Gateway Rd S.
Gallatin Gateway, MT 59730-9705

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 30155788 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: PETER ZELIFF
4655 E SAILE DR
BATAVIA, NY 14020

Priority Date: JUNE 1, 1882

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 56.10 GPM

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 42.00

Source Name: WEST GALLATIN RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENWNW	22	3S	4E	GALLATIN

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: NOBLE DITCH

Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	42.00		S2SW	15	3S	4E	GALLATIN

Total: 42.00

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 25625-00.